



Administrative Memorandum

Nebraska Supreme Court
State Court Administrator
P. O. Box 98910
Lincoln, NE 68509
402-471-3730

DT: October 2004

RE: Administrative Memorandum 04-006

- Open Enrollment and ESS
- Judges' Retirement Systems Note
- Award Recipients Honored
- Lois Law Completes Major Design
- Non Waiverable Court Costs
- CIP to Conduct Assessment
- Judgment Interest Rate Change
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- Judicial District Visits
- Filing & Reporting Requirements
- Caseload Statistics
- Judicial Branch Education
- JUSTICE Training Opportunities
- "Check 21" Effective Oct. 28, 2004

John V. Hendry,
Chief Justice

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Administrative Memoranda available at www.nebraskacourt.com under "Court Administrator's Office" on the main page, left hand menu.

◆ OPEN ENROLLMENT AND EMPLOYEE SELF-SERVICE (ESS)

Open enrollment is currently underway. You have until November 21st to complete the online Employee Self-Service process (eligible part-time and employees whose spouse works for another State agency must complete paper forms). If you have not received a packet of information with your user ID and password, please contact Kathy Moore, 402-471-4428, or Eileen Janssen, 402-471-4427, immediately. **All benefits will terminate effective December 31, 2004, if you do not re-enroll.**

◆ NOTE FOR MEMBERS OF JUDGES' RETIREMENT SYSTEM

A couple of judges have found that their 'service credit start date' has been reported incorrectly through the Retirement office. You may wish to check your most recent statement to be sure yours is correct. Retirement asks that you check your annual statement (sent every August) each time one is sent and let them know if you find any discrepancies. Corrections must be made in writing to: Nebraska Public Employees Retirement System, P.O. Box 94816, Lincoln, NE 68509.

◆ AWARD RECIPIENTS HONORED

Congratulations to this year's four Supreme Court award winners presented during the Nebraska Judicial Dinner in Omaha on October 21.

Chief Justice's Award for Outstanding Contribution to the Courts: **Michael D. Havlik, District Court Deputy Court Administrator, Omaha**, for his assistance with jury instructions, new judge orientation and death penalty research, shared with judges across the state.

Chief Justice's Award for Outstanding Contribution to Probation, **Erin M. Clark, Juvenile Drug Court Coordinator, Omaha**, for her exceptional work in the establishment of a Juvenile Drug Court, innovative programming, grant writing and collaborative efforts in securing a tri-county evaluation for all juvenile drug courts.

Distinguished Judge for Service to the Community: **Linda S. Porter, Separate Juvenile Court Judge, Lincoln**, for her leadership in the Teen Parents and the Law (TPAL) Program through the Bar Foundation, work with in the Court Collaboration Project, CASA volunteer training, and for her efforts to effect change within the court system to improve the welfare of Nebraska's children.

Distinguished Judge for Improvement of the Judicial System: **Steven B. Timm, County Court Judge, Beatrice**, for his long-term unfaltering commitment to judges' education, young lawyer and employee education, work on notice pleadings law changes, and service as advisor for the improvement of judicial procedure.

◆ LOIS LAW COMPLETES MAJOR REDESIGN OF WEBSITE

Loislaw announces the first major redesign of its website since the company began offering nationally comprehensive internet legal research in the late 1990s.

Loislaw has recently launched an important enhancement to its GlobalCite citator for checking legal citations. To make it easier for you to review cases within GlobalCite Results, case treatment terms (e.g., “overrule,” “affirm”) are highlighted in blue wherever they appear within the GlobalCite Results hits and in the full text of the cases.

Also, the enhancement to Loislaw's Find A Case function is worth particular mention: it allows the user to retrieve multiple cases through one dialog screen, with one click of the mouse. On the new Find A Case dialog page, users can enter many different citations, compile them automatically into a list, and then retrieve all the documents at once.

If you have any questions, please contact Loislaw's 24-hour, 7 days a week technical support hotline at (877) 471-5632; or email them at supportservices@loislaw.com.

If you would like to try Loislaw's online version (free to judges across Nebraska), email Janet Bancroft for the password. (jhammer@nsc.state.ne.us).

◆ NON WAIVERABLE COURT COSTS

Section 29-2709 provides that costs found to be uncollectible shall be deemed waived except those highlighted.

29-2709 Uncollectible costs; certification; payment; conditions.

When any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in county court, except for those costs provided for in subsection (3) of section 24-703, two dollars of the fee provided in section 33-107.01, the court automation fee provided in section 33-107.03, and the uniform data analysis fee provided in section 47-633, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, enters an order assessing such portion of the costs as by law would be paid over by the court to the State Treasurer as follows:

- (1) In all cases brought by or with the consent of the county attorney, all such uncollectible costs shall be certified by the clerk of the court to the county clerk who shall present the bills therefore to the county board. The county board shall pay from the county general fund all such bills found by the board to be lawful; and
- (2) In all cases brought under city or village ordinance, all such uncollectible costs shall be certified to the appropriate city or village officer authorized to receive claims who shall present the bills therefore to the governing body of the city or village in the same manner as other claims. Such governing body shall pay from the general fund of the city or village all such bills as are found to be lawful.

24-703 Judges Retirement Fee. (Non Waiverable)

3) A **Nebraska Retirement Fund for Judges fee of five dollars** shall be taxed as costs in each civil cause of action, criminal cause of action, traffic misdemeanor or infraction, and city or village ordinance violation filed in the district courts and the county courts.

33-107.01 Legal Services Fee. (Non Waiverable \$2.00)

A **legal services fee of five dollars shall be taxed as costs** in each case filed in each separate juvenile court and district court, including appeals to such courts, **and on each case filed in each county court** except those filed in county court pursuant to its jurisdiction under subdivision (5) of section 24-517 or section 25-2802. A legal services fee of five dollars shall be taxed as costs for each appeal and original action filed in the Court of Appeals and the Supreme Court. Such fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each month for credit to the Legal Aid and Services Fund.

33-107.03 Court Automation Fee. (Non Waiverable)

In addition to all other court costs assessed according to law, **a court automation fee of six dollars** shall be taxed as costs for each case filed in each county court, separate juvenile court, and district court, including appeals to such courts, and for each appeal and original action filed in the Court of Appeals and the Supreme Court. The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of each month. The State Treasurer shall credit the fees to the Supreme Court Automation Cash Fund.

47-633 Uniform Data Analysis fee. (Non Waiverable)

In addition to all other court costs assessed according to law, a **uniform data analysis fee of one dollar** shall be taxed as costs for each case filed in each county court, separate juvenile court, and district court, including appeals to such courts, and for each appeal and original action filed in the Court of Appeals and the Supreme Court. The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of each month. The State Treasurer shall credit the fees to the Community Corrections Uniform Data Analysis Fund.

Contact Kenneth A. Wade, Associate Administrator, 402-471-2671, if you have any questions.

◆ COURT IMPROVEMENT PROJECT TO CONDUCT ASSESSMENT OF ABUSE AND NEGLECT CASES

The Nebraska Court Improvement Project is required, along with other states, to complete a re-assessment of Nebraska's courts' work with child abuse and neglect cases. A similar project was conducted in 1995-96 and findings from the original assessment have guided many of the court improvement efforts that the state has taken. The first stage of the re-assessment involves a survey of judges, court administrators, attorneys, child protection workers, CASA, and Foster Care Review Board representatives. Surveys will be mailed out in November. The next stages of the re-assessment will include court file reviews in a small sample of courts, and focus group discussions in a sample of judicial districts. A report of the findings of the re-assessment is expected to be complete by early summer, 2005.

Contact Janice K. Walker, Deputy State Court Administrator, 402-471-2764, for more information.

◆ JUDGMENT INTEREST RATE

The current judgment interest rate, effective October 21st, is 4.038%. Interest rates prior to this date can be found on the Nebraska Judicial Branch's website, www.nebraskacourt.com/community/interestrate.htm.

◆ SETTLEMENT ESCROW SUNSET

The Legislative Bill (LB46, 2001) establishing settlement escrow has now reached the sunset date. Please dispose of all brochures, originally printed in yellow and blue, which remain in your office.

Contact Janet Bancroft, 402-471-3205, if you have any questions.

◆ JUDICIAL RETENTION INFORMATION KIT

The NSBA has designed a "Judicial Retention Information kit" for the public. It is advertised on the radio in Lincoln and in Omaha and is available on their web site, www.nebar.com. The kit contains a background sheet on the 2004 Judicial Evaluation Poll, the Poll results, profiles of many of the judges up for retention this November and guidelines on the factors to be considered in evaluation the judges up for retention.

If you have questions, contact Jane Schoenike, Executive Director of the NSBA, 402-475-7091.

◆ INSIGHT EMPLOYEE ASSISTANCE PROGRAM

Based on the belief that the best time to solve personal problems is before they become serious, the InSight Program, P.C. is designed to help employees and their family members when they are having difficulties. With help from their trained counselors, answers are within your reach — InSight can help find solutions to personal and work-related problems.

InSight can provide brief counseling and problem-solving help for employees and their immediate family members. They can also provide information about resources and referrals to other community services. Their

staff is experienced in working with a wide range of problems such as alcohol and drug abuse, marriage and family issues, and work and relationship issues.

All information shared with the InSight staff is kept in strictest confidence in accordance with professional ethical standards. They arrange appointments, make phone calls and report usage in ways that keep your use of InSight private.

Services provided by the InSight staff are free of charge to employees and their immediate family members. Most problems are resolved within the InSight program without outside referral. However, if referrals to outside services are necessary, there may be some costs. If so, your InSight counselor will discuss these costs with you ahead of time. Referral sources are personally interviewed by InSight staff to assure high-quality treatment.

You can contact the InSight Program from 8:30 a.m. – 5:00 p.m., Monday through Friday by calling 402-488-1032 or 800-488-1043. After hours or on weekends, you may call these same numbers and leave a message with their answering service. In case of emergency you may ask to be connected with a counselor immediately.

◆ NEW JUDICIAL ETHICS OPINIONS ISSUED

Two new opinions have been issued by the Judicial Ethics Committee. They are:

- 04-2 Under what circumstances, if any, is it appropriate for a judge to retain a gift or honorarium for performing a wedding ceremony?
- 04-3 The Supreme Court, in attorney discipline cases, appoints an attorney to act as a referee to conduct a hearing on the charges brought by the Counsel for Discipline against attorneys. When a lawyer in the law firm of the appointed referee is married to the first cousin of a Supreme Court judge, should the judge recuse in the case?

Contact Marcie Brush, Administrative Assistant, 402-471-2249, for copies of previously issued opinions. You can also print them off the Judicial Branch website, www.nebraskacourt.com/comm/jecintro.htm#opinions.

◆ COMMITTEE UPDATES

The following commissions and committees have recently added/replaced members. Please check the Judicial Branch website for complete membership lists:

Judicial Qualifications Commission (www.nebraskacourt.com/comm/jqc.htm)

Judicial Resources Commission (www.nebraskacourt.com/comm/jrc.htm)

Nebraska Supreme Court Personnel Board (www.nebraskacourt.com/comm/scpb.htm)

Nebraska District Judges Association (www.nebraskacourt.com/comm/ndja.htm)

Nebraska Separate Juvenile Judges Association (www.nebraskacourt.com)

Nebraska County Judges Association (www.nebraskacourt.com/comm/ncja.htm)

◆ JUDICIAL DISTRICT VISITS

Visits have now been made to all but one judicial district in the state. Most recently, trips were made to districts 5, 4 and 2. District 3 (Lancaster County) meetings will be held at the beginning of November. Photos and itineraries can be found on the Judicial Branch Web Site, www.nebraskacourt.com.

◆ FILING AND REPORTING REQUIREMENTS

Statement for Payment of Interpreters: Interpreter to submit between the 1st and 7th day of each month.

Judges' Cases Under Advisement Reports: Due by the 5th day of each month (reports are compiled and submitted to the Supreme Court).

Court Reporter Timesheets: Due by the 5th day of each month (judges are to sign time sheets prior to submission).

Permanently Assigned Vehicle Logs: Due by the 5th day of each month.

Report of Probate Cases Pending: Due by the 10th day of each month.

Court Caseload Monthly Statistic Reports: Due by the 10th day of each month.

County Court Time Sheets: Due by the 10th day of each month.

Stenographer Transcription Reports: Due by the 10th day of each month.

Cash Drawer Short/Long Transactions (County Court only): Due by the 10th day of each month.

Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher)

◆ CASELOAD STATISTICS

District Court Case Filings

Total Filings by Year

1995	35,330	2000	37,915
1996	35,261	2001	39,201
1997	36,709	2002	40,796
1998	38,117	2003	41,038
1999	38,330	2004	*32,688

* First Three Quarters, January 1 – September 30, 2004

2004 First Three Quarters by District

Judicial District	Criminal	Regular Civil	Domestic Relations	Appellate Action	Totals
1	175	295	1,057	56	1,583
2	763	373	1,417	89	2,642
3	808	827	2,452	168	4,255
4	2,235	1,874	7,115	302	11,526
5	383	362	1,235	66	2,046
6	275	298	940	50	1,563
7	296	178	725	36	1,235
8	88	177	434	35	734
9	348	292	1,177	71	1,888
10	214	226	732	66	1,238
11	446	407	1,077	34	1,964
12	350	358	1,204	102	2,014
Total	6,381	5,667	19,565	1,075	32,688

County Court Case Filings

Total Filings by Year

1995 434,282
 1996 396,708
 1997 374,079
 1998 376,285
 1999 383,930
 2000 390,654
 2001 385,995
 2002 412,651
 2003 408,829
2004 *302,386

*** First Three Quarters, January 1 – September 30, 2004**

2004 First Three Quarters Filings by District

Judicial District	Misd/Ord Traffic	Misd/Ord Non-Traffic	Felony	Civil	Small Claims	Probate/ Inher Tax	Guard Cons	Adoption	Juvenile	Totals
1	6,354	2,787	287	1,875	250	303	67	39	341	12,303
2	17,446	7,625	998	2,981	295	257	122	63	217	30,004
3	17,845	16,953	1,334	7,684	675	491	209	96	0	45,287
4	19,833	27,180	3,046	16,022	1,486	888	557	169	0	69,181
5	10,338	5,263	608	3,398	416	449	99	62	831	21,464
6	9,786	5,227	564	2,659	394	349	76	27	489	19,571
7	7,468	4,064	367	1,402	292	295	64	18	355	14,325
8	5,496	2,889	168	1,339	353	234	73	23	214	10,789
9	7,165	5,757	626	4,495	395	226	103	46	433	19,246
10	6,020	2,921	341	2,444	297	339	123	37	550	13,072
11	15,577	6,018	784	3,272	640	369	121	40	828	27,649
12	9,579	5,509	552	2,140	500	308	119	33	755	19,495
Total	132,907	92,193	9,675	49,711	5,993	4,508	1,733	653	5,013	302,386

Cases Referred From District Court to County Court, January 1 – September 30, 2004

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Marriage Dissolution	0	40	2	0	0	48	0	1	0	0	0	0
Support/ Custody	0	0	0	0	0	2	0	0	0	1	0	0
Paternity	0	2	0	0	4	1	0	0	0	0	0	0
URESA	0	0	0	0	0	0	0	0	0	0	0	1
Protection Orders	227	146	380	0	139	245	42	64	205	17	0	149
Misc.	1	5	0	0	4	1	0	0	1	0	0	0
Totals	228	193	382	0	147	297	42	65	206	18	0	150

◆ JUDICIAL BRANCH EDUCATION

Please mark your calendars for the following programs to be held in 2005.

- **County Judges' Annual Meeting**, June 28 – 30, North Platte, Sand Hills Convention Center
- **Dist. Judges/Sep. Juv. Judges/Off. Court Reporters Annual Meeting**, June 8 – 10, Omaha, Marriott Hotel
- **Fall Judges Meeting/NSBA Annual Meeting**, November 9 – 11 (*tentative dates*), Lincoln, Cornhusker Hotel

Programming for these conferences is still being set. If you have a particular subject or interest that you would like to see presented on these agendas, please contact either a representative of your association's education committee or Philip Gould, Judicial Branch Education Director, 402-471-3072.

◆ JUSTICE TRAINING OPPORTUNITIES

- County Court, November 8 – 10, North Platte
- District Court, November 16 – 18, Lincoln/North Platte
- County Court, January 10 – 14, Lincoln
- County Court, February 7 – 11, North Platte
- District Court, February 15 – 17, Lincoln

Complete training calendars for 2005 can be found online:

- County Court Calendar: http://court.nol.org/community/cc_justice_train_cal.pdf
- District Court Calendar: http://court.nol.org/community/dc_justice_train_cal.pdf

Contact Marcie Brush, Administrative Assistant, at 402-471-2249, for registration information.

◆ "CHECK 21" EFFECTIVE OCTOBER 28, 2004

Check 21 is the common name given to the federal law (Check Clearing for the 21st Century Act) that allows banks and the Federal Reserve to clear checks electronically instead of using paper. Basically, it allows the check to live as an electronic image instead of a paper image. The law went into effect Thursday, October 28, 2004.

This means checks which previously had 3 to 5 days of "float" may now clear on the same day they were issued. It also means the checks which normally accompany the bank statement may be replaced with substitute checks or images of the original court checks.

Additionally, any check issued to the court which is returned NSF or stop payment may be returned as a substitute check. The front of the returned item will be marked with the reason of return.

Contact Barb Nielsen, JUSTICE Business Analyst, at 402-471-3035 if you have any questions regarding the change.